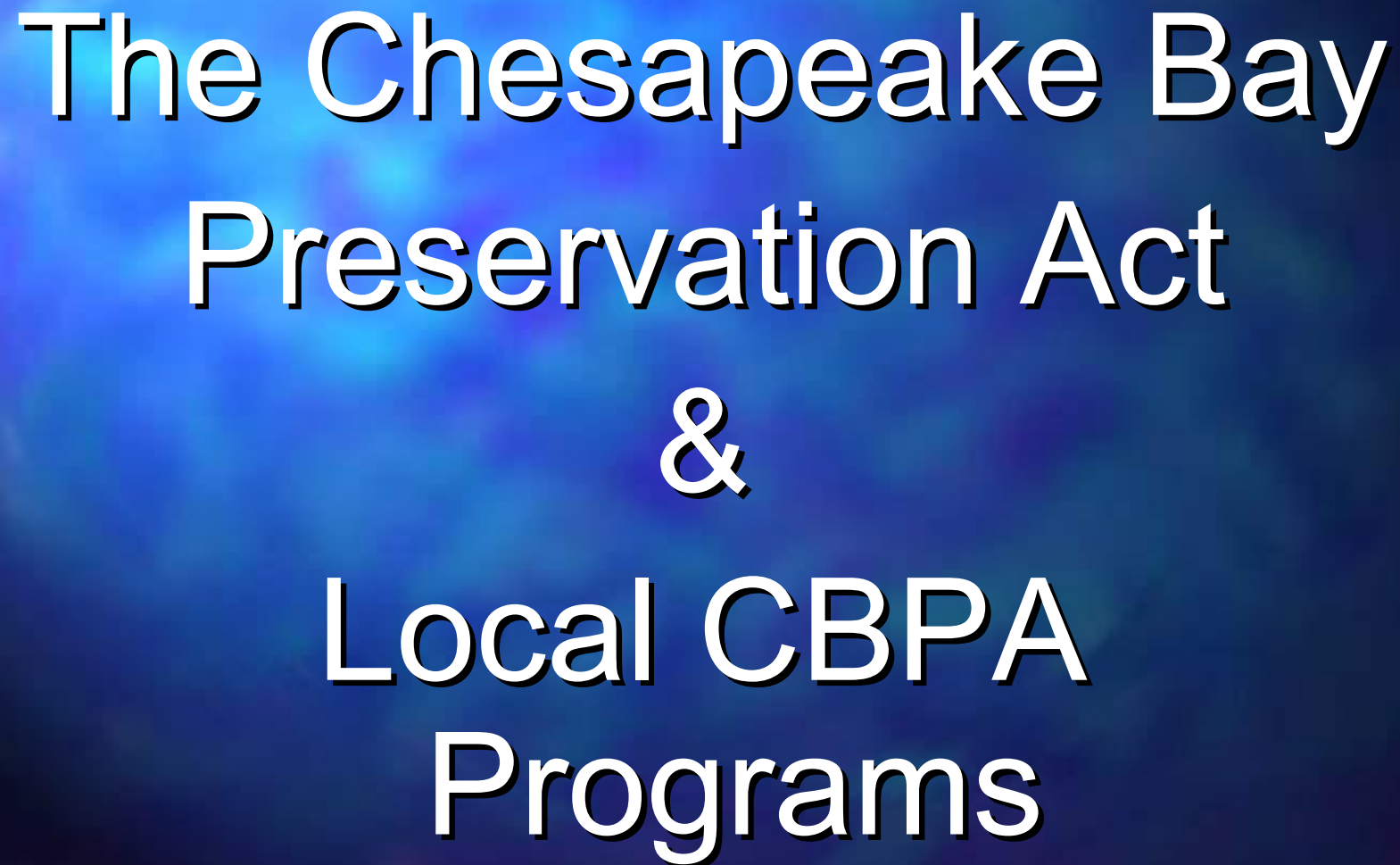


Chesapeake Bay Local Assistance Department



- ❖ *The Chesapeake Bay Local Assistance Department exists to protect the public interest in the Chesapeake Bay and other State waters from pollution impacts associated with the use and development of land. This will be accomplished in a manner that balances the objectives of water quality protection and economic development, promoting sound land use planning and management measures.*

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The Chesapeake Bay Preservation Act & Local CBPA Programs

Purpose of the Chesapeake Bay Preservation Act

- ❖ Establish a cooperative program between State and Local governments aimed at reducing nonpoint source pollution.
- ❖ Designed to improve water quality in the Chesapeake Bay and its tributaries by requiring wise resource management practices in the use and development of environmentally sensitive land features.

Purpose of the Chesapeake Bay Preservation Act

- ❖ Goal is that land can be used and developed in ways that minimize the impact on water quality.

Statutory Authority

- ❖ 1988 Chesapeake Bay Preservation Act.
- ❖ September 20, 1989 Chesapeake Bay Preservation Area Designation and Management Regulations; amended in 1991. Effective date, October 1, 1991.

Local Programs in Virginia

- ❖ 84 localities in Tidewater
- ❖ Section 10.1-2110 of the Act gives local governments outside Tidewater, Virginia the authority to adopt the provisions of the Act and Regulations (e.g., Albemarle County).

Chesapeake Bay Local Assistance Board

- ❖ Nine-member citizen board (appointed by the Governor).
- ❖ Represents different geographic areas within Tidewater (at least one representative from each Tidewater PDC).
- ❖ Represents various interests, such as business, agriculture, land development, local government, and environmental management.

Chesapeake Bay Local Assistance Board

❖ Responsibilities:

- ✓ Promulgate and update regulations that establish criteria for local programs;
- ✓ Provide technical and financial assistance to local governments;
- ✓ Provide technical assistance and advice to Regional and State agencies on land use and water quality protection.
- ✓ Ensure that local comprehensive plans and zoning and subdivision ordinances are in compliance with the Regulations.

Chesapeake Bay Local Assistance Department

- ❖ Provides staff support for the Board.
- ❖ Consists of an Executive Director and three Divisions (Administration, Engineering, and Planning).
- ❖ Provides a network of liaisons to assist local programs.

Local Program Development

- ❖ The Regulations establish the framework for local programs.
- ❖ Local governments have the flexibility to develop programs that reflect their unique local characteristics and that embody other community goals.
- ❖ The Board has staged program compliance according to three phases; Phase I, Phase II, and Phase III.

Phase I

- ❖ Designate and map Chesapeake Bay Preservation Areas (CBPAs).
- ❖ Implement performance criteria within CBPAs.

CBPAs = RPAs & RMAs

- ❖ Resource Protection Areas (RPAs):
 - ✓ Tidal wetlands
 - ✓ Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams
 - ✓ Tidal shores
 - ✓ Other lands
 - ✓ A buffer of not less than 100 feet in width landward of these features and along both sides of any tributary stream

(Lands at or near the shoreline that have an intrinsic water quality value.)









RPA Buffer

- ❖ A 100-foot vegetated buffer area shall be retained if present and established where it does not exist.
- ❖ To minimize the adverse effects of human activities on the other components of the Resource Protection Area, State waters, and aquatic life.
- ❖ Achieves a 75% reduction of sediments and a 40% reduction of nutrients.

Permitted Uses in the RPA

- ❖ Two types of development are permitted in the RPA:
 1. water dependent uses, including ports, the intake and outfall structures of power plants and other plants, marinas and other boat docking structures, beaches, and fisheries; and
 2. re-development.

Exemptions in the RPA

- ❖ Water wells; boardwalks, trails, and pathways used for passive recreation; and historic preservation or archaeological activities are exempt.
- ❖ Public roads, utilities, and railroads are exempt from the requirements of the Chapter.

Modifications to the RPA

- ❖ Permitted on pre-1989 lots where application of the buffer area could result in the loss of a buildable area (50-foot maximum reduction to build principal structure and necessary utilities).
- ❖ Minimum 50 feet on ag lands with BMPs.
Minimum 25 feet on ag lands implementing a Conservation Plan.

Exceptions

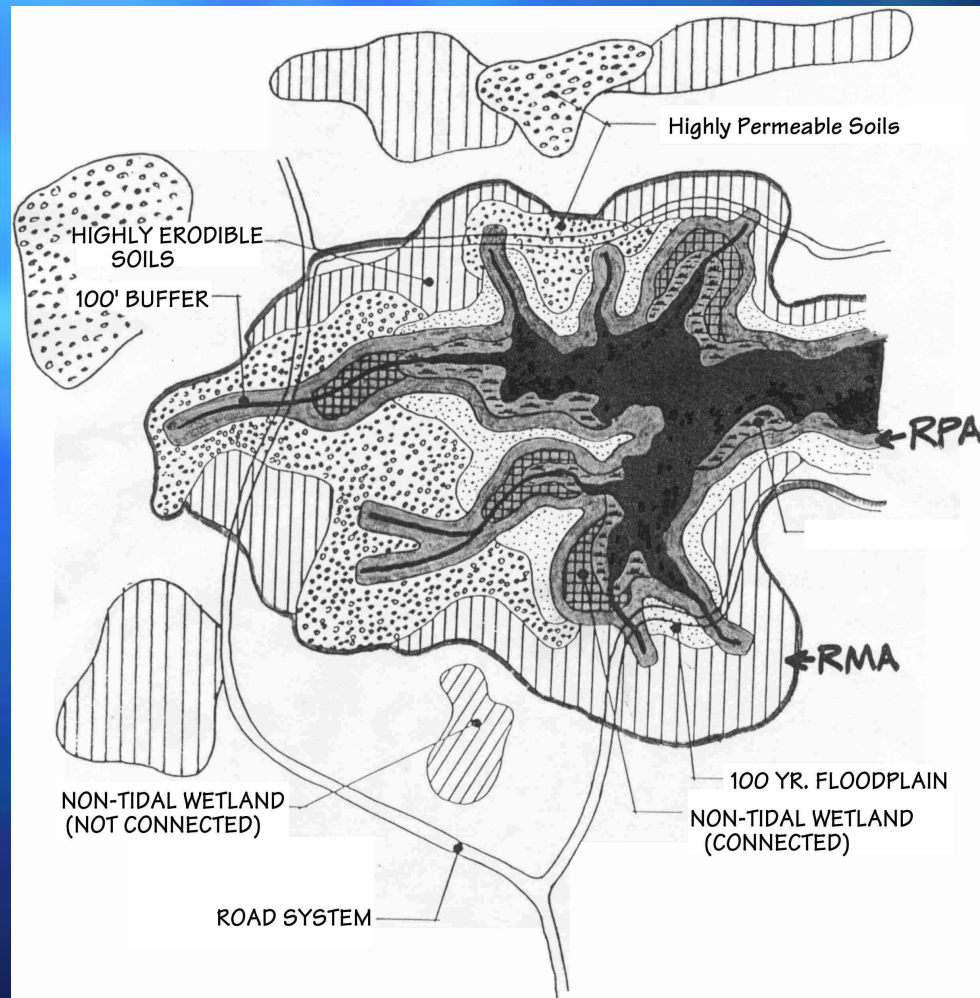
- ❖ Exceptions may be granted provided that:
 1. they are the minimum necessary to afford relief; and
 2. reasonable and appropriate conditions upon the exception granted are imposed.

CBPAs = RPAs & RMAs

- ❖ Resource Management Areas (RMAs):
 - ✓ Floodplains
 - ✓ Highly erodible soils, including steep slopes
 - ✓ Highly permeable soils
 - ✓ Nontidal wetlands not included in RPAs
 - ✓ Other lands

(Lands that if improperly used or developed have potential for causing water quality degradation or for diminishing the functional value of the RPA.)

Mapping



11 Performance Criteria

1. No more land shall be disturbed than is necessary to provide for the desired use or development.
2. Indigenous vegetation shall be preserved to the maximum extent possible.

11 Performance Criteria

3. Localities must ensure Best Management Practice (BMP) maintenance through agreements with the owner or developer.
4. All development exceeding 2,500 square feet shall be accomplished through a plan of development process.
5. Land development shall minimize impervious cover.

11 Performance Criteria

6. Any land disturbing activity that exceeds 2,500 square feet (including construction of single-family homes & septic tanks and drainfields) shall comply with the local erosion and sediment control ordinance.
7. On-site sewage treatment systems not requiring a VPDES permit shall; a) be pumped out at least once every 5 years and b) provide a reserve sewage disposal site.

11 Performance Criteria

8. Stormwater Management:

- ❖ For development and re-development currently served by BMPs, post-development nonpoint source pollution runoff load shall not exceed pre-development load.
- ❖ For redevelopment, pre-developed loads must be reduced by 10%.

(Locally adopted regional stormwater Management programs that result in equivalent water quality protection apply.)

11 Performance Criteria

9. Agricultural lands shall have a soil and water quality conservation plan.
10. Silvicultural activities are exempt provided they adhere to the water quality protection procedures prescribed by the Department of Forestry.
11. Local governments shall require evidence of all wetlands permits required by law prior to authorizing grading or other on-site activity.

Phase II

- ❖ Adopt or amend a Comprehensive Plan to enhance water quality.
- ❖ The Bay Act Regulations require local plans to address five policy areas:
 - 1. Physical constraints to development**
 - 2. Protection of potable water supply**
 - 3. Shoreline and streambank erosion**
 - 4. Public and private access to waterfront areas**
 - 5. Redevelopment**

Phase III

- ❖ Evaluate local development standards.
- ❖ Adopt or revise Zoning Ordinances, Subdivision Ordinances, and other land use management regulations to preserve water quality.

(Under Phase III, local governments will re-examine development standards for their impact on water quality.)

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Implementation Review

CBLAD Financial Assistance

- ❖ Counties, cities, and towns required to implement the Act and Regulations and those localities that fully adopt programs in accordance with the Act and Regulations are eligible to apply for funding under the Department's Competitive Grants Program.

CBLAD Technical Assistance

- ❖ Liaison network;
- ❖ Regulatory interpretations;
- ❖ Site plan review and site visits;
- ❖ GIS assistance;
- ❖ Local ordinance and comprehensive plan review.